



A TRADITION OF LEGAL EXCELLENCE SINCE 1938

Connell Foley LLP
85 Livingston Avenue
Roseland, NJ 07068
P 973.535.0500 F 973.535.9217

Timothy E. Corrison
Partner
TCorrison@connellfoley.com

May 20, 2016

Nicoletta Di Forte
Deputy Director for Enforcement
Emergency and Remedial Response Division United States Environmental Protection Agency
Region II
290 Broadway
New York, New York 10007-1866

Re: The Diamond Alkali Superfund Site
Lower 8.3 Miles of Lower Passaic River Study Area
Essex and Hudson Counties, New Jersey
Notice of Potential Liability Under 41 USC §9607(a)

Dear Ms. Di Forte:

This office represents Campbell Foundry Services ("Campbell Foundry") identified in your letter of March 31, 2016, regarding USEPA's Notice of Potential Liability Under 42 U.S.C. §9607(a) for the Diamond Alkali Superfund Site, lower 8.3 miles of the Lower Passaic River. Your letter, in part, addresses USEPA's belief that some parties identified as PRPs under CERCLA may be eligible for a cash-out settlement with USEPA for the lower 8.3 miles of the Lower Passaic River. In that regard, you advised of USEPA's intent to provide separate notice of the opportunity to discuss a cash-out settlement at a later date.

The purpose of this letter is to request that Campbell Foundry be included in those discussions. Without admission of liability under CERCLA, Campbell Foundry believes it is eligible for *de minimis* treatment and is willing to participate in good faith in whatever process USEPA requires to establish its entitlement to a cash-out. Further, please note that the USEPA previously performed and an Ability-To-Pay ("ATP") analysis of Campbell Foundry. The EPA concluded that Campbell Foundry qualified as an ATP candidate. Since that time, Campbell Foundry has ceased business operations. Further, Campbell Foundry's insurers have not agreed to provide indemnification to it for the claims asserted in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Timothy E. Corrison', written over a horizontal line.

Timothy E. Corrison

TEC/mms

Roseland

Jersey City

Newark

New York

Cherry Hill

Philadelphia

www.connellfoley.com